



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	M. Biba et al.		
Serial No.:	10/526,782	Case No.:	21181P
Filed:	March 4, 2005		
For:	Removal of Aldehyde Impurity by Reactive Polystyrene Resin		

Art Unit
1626
Auth. Off.:
J. Coppins

Commissioner for Patents
Mail Stop: Petition
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

This paper is filed in to the Decision of Petition mailed on March 31, 2009. This application has been deemed abandoned for failure to timely pay the required issue fee and publication fee. "The entire delay in filing the required reply form the due date for the reply until the filing of grantable petition pursuant to 37 CFR 1.137(b) was unintentional".

Applicants respectfully submit that failure to pay the required fees was the result of inadvertent error. Applicants mistakenly sent form PTOL-85 (Rev. 08/07) on August 14, 2008 without inserting deposit account number 13-2755 in box 4b which Merck's customary practice.

Authorization is hereby given to charge any fees which may be due as a result of this petition pursuant to 37 CFR 1.137(b) as well as the issue and publication fees to Deposit Account No. 13-2755.

Respectfully submitted,

By: 

Sylvia A. Ayler
Reg. No. 36,436
Attorney for Applicant(s)
MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-4909

Date: April 13, 2009

SAA

21181P



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov



*Request for
Reconsideration
Due By
5-31-09*

MERCK AND CO., INC
P O BOX 2000
RAHWAY NJ 07065-0907

MAILED

MAR 31 2009

OFFICE OF PETITIONS

In re Application of
Mirlinda BIBA et al.
Application No. 10/526,782
Filed: March 04, 2005
Attorney Docket No. 21181P

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 23, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure s to timely pay the issue and publication fees on or before September 26, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed June 26, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 27, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3).

Petitioner did not provide the required statement of unintentional delay.

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37 CFR 1.137(b)(3) requires a statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.”

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions